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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, FEBRUARY 6, 2003**

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# JOURNAL OF THE SENATE

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TWENTY-FIFTH CALENDAR DAY  
SIXTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 6, 2003

The Senate met in regular session at 8:32 a.m., President Kramer presiding.

Prayer was offered by the Honorable Ken Veenstra, member of the Senate from Sioux County, Orange City, Iowa.

The Journal of Wednesday, February 5, 2003, was approved.

## BILL REASSIGNED TO COMMITTEE

Senator Iverson asked and received unanimous consent that [Senate File 79](#) be reassigned from the committee on State Government to the committee on **Business and Labor Relations**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKinley, for the day, on request of Senator Veenstra; Senators Houser and Tinsman, until they arrive, on request of Senator Iverson; and Senators Holveck and Kreiman, until they arrive, on request of Senator Gronstal.

## HOUSE AMENDMENT CONSIDERED

### [Senate File 36](#)

Senator Lamberti called up for consideration [Senate File 36](#), a bill for an act supplementing appropriations made for the fiscal year beginning July 1, 2002, to the departments of human services, corrections, and public safety, and to the state public defender and the public broadcasting division of the department of education, and

providing effective date and applicability provisions, amended by the House, and moved that the Senate concur in House amendment [S-3007](#), filed January 29, 2003.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Lamberti moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 36](#)), the vote was:

Yeas, 45:

Angelo	Dvorsky	Lamberti	Seng
Beall	Fraise	Larson	Seymour
Behn	Gaskill	Lundby	Shull
Black	Gronstal	McCoy	Sievers
Boettger	Hatch	McKibben	Stewart
Bolkcom	Horn	Miller	Veenstra
Brunkhorst	Hosch	Putney	Warnstadt
Connolly	Iverson	Quirnbach	Wieck
Courtney	Johnson	Ragan	Zieman
Dearden	Kettering	Redfern	
Dotzler	Kibbie	Rehberg	
Drake	Kramer	Schuerer	

Nays, none.

Absent, 5:

Holveck	Kreiman	Tinsman
Houser	McKinley	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 8](#).

### **Senate Resolution 8**

On motion of Senator Iverson, **Senate Resolution 8**, a resolution to recognize February 6 as Ronald Reagan Day in the State of Iowa, was taken up for consideration.

Senator Iverson moved the adoption of **Senate Resolution 8**, which motion prevailed by a voice vote.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **Senate Concurrent Resolution 1**.

### **Senate Concurrent Resolution 1**

On motion of Senator Iverson, **Senate Concurrent Resolution 1**, a concurrent resolution relating to the federal Medicare program and requesting assistance from the federal government, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of **Senate Concurrent Resolution 1**, which motion prevailed by a voice vote.

#### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **Senate Concurrent Resolution 3**.

### **Senate Concurrent Resolution 3**

On motion of Senator Iverson, **Senate Concurrent Resolution 3**, a resolution requesting the establishment of standing Senate and House subcommittees on veteran affairs, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of **Senate Concurrent Resolution 3**, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTIONS  
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 3 and 4.

**Senate Resolution 3**

On motion of Senator Drake, **Senate Resolution 3**, a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eightieth General Assembly, was taken up for consideration.

Senator Drake moved the adoption of **Senate Resolution 3**, which motion prevailed by a voice vote.

**Senate Resolution 4**

On motion of Senator Drake, **Senate Resolution 4**, a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eightieth General Assembly, was taken up for consideration.

Senator Drake moved the adoption of **Senate Resolution 4**, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 36** and **Senate Concurrent Resolutions 1 and 3** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:58 a.m. until 1:00 p.m. Monday, February 10, 2003.

**APPENDIX****APPOINTMENTS**

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

**BY THE GOVERNOR**

	<u>TERM</u>
ACCOUNTANCY EXAMINING BOARD (Sec. 542C) Richard Johnson, Sheldahl	01/02/2003 – 04/30/2003
COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142) Jamie Howard, Davenport	06/27/2002 – 04/30/2004
IOWA CAPITAL INVESTMENT BOARD (Sec. 15E.223) Eugene Blanshan, Panora Burt Chojnowski, Fairfield Carol Garrett, Bettendorf Cyril Mandelbaum, West Des Moines Gordon Neumann, Des Moines	06/04/2002 – 04/30/2005 06/04/2002 – 04/30/2004 06/04/2002 – 04/30/2003 06/04/2002 – 04/30/2007 06/04/2002 – 04/30/2006
CHILD ADVOCACY BOARD (Sec. 237.16) Christine Boyken, Britt Brian Michaelson, Sioux City	07/01/2002 – 04/30/2006 07/01/2002 – 04/30/2006
IOWA STATE CIVIL RIGHTS COMMISSION (Sec. 216.3) Frederick Morain, Jefferson	09/27/2002 – 04/30/2005
DRUG POLICY COORDINATOR (Sec. 80E.1) Marvin Van Haaften, Pella	01/28/2003 – Pleasure of the Governor
DRUG POLICY ADVISORY COUNCIL (Sec. 80E.2) Terry Sweeney, Granger	05/01/2002 – 04/30/2006
DIRECTOR OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT (Sec. 15.105) Michael Blouin, Des Moines	01/16/2003 – Pleasure of the Governor
ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3) Lyle TeKippe, West Union	09/12/2002 – 04/30/2005
ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6) Jerry Peckumn, Jefferson	10/04/2002 – 04/30/2003
HEALTHY AND WELL KIDS IN IOWA (HAWK-I) BOARD (Sec. 514I.4) James Yeast, Dubuque	05/28/2002 – 04/30/2005
DIRECTOR OF THE DEPARTMENT OF HUMAN RIGHTS (Sec. 216A.2) Ruth White, Cedar Rapids	04/01/2003 – Pleasure of the Governor

IOWACCESS ADVISORY COUNCIL (Sec. 14B.201)	
Sheila Castaneda, Dubuque	05/24/2002 – 04/30/2004
IOWA LEWIS AND CLARK BICENTENNIAL COMMISSION (Sec. 15.221)	
Wynema Morris, Walthill, NE	11/13/2002 – 04/30/2003
Michele Walker, Red Oak	01/03/2003 – 04/30/2003
LOTTERY BOARD (Sec. 99E.5)	
Elaine Baxter, Burlington	05/01/2002 – 04/30/2003
BOARD OF EXAMINERS FOR MASSAGE THERAPY (Sec. 147.14(17))	
Carla Eshelman, Des Moines	07/09/2002 – 04/30/2004
MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMISSION (Sec. 225C.5(1))	
Cathy Anderson, Des Moines	11/01/2002 – 04/30/2005
Michael Bergan, Decorah	11/01/2002 – 04/30/2005
Lynn Ferrell, Urbandale	11/01/2002 – 04/30/2006
Russell Finken, Glenwood	11/01/2002 – 04/30/2004
William Gorman, Solon	11/01/2002 – 04/30/2006
Jon Grate, Davenport	11/01/2002 – 04/30/2004
Jane Halliburton, Ames	11/01/2002 – 04/30/2006
Mary Hughes, Kalona	11/01/2002 – 04/30/2004
Julie Jetter, Independence	11/01/2002 – 04/30/2006
Linda Kellen, Sioux City	11/01/2002 – 04/30/2005
Jacqueline Kibbie-Williams, Sheldon	11/01/2002 – 04/30/2005
Lannie Miller, West Bend	11/01/2002 – 04/30/2005
Lori Reynolds, Anamosa	11/01/2002 – 04/30/2004
Brian Ridler, Woodward	11/01/2002 – 04/30/2004
Ronald Walls, Clear Lake	11/01/2002 – 04/30/2006
Kittie Weston-Knauer, Des Moines	11/01/2002 – 04/30/2004
BOARD OF PAROLE (Sec. 904A.1-3)	
Barbara Binnie, Des Moines	06/10/2002 – 04/30/2005
BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY EXAMINERS (Sec. 147.14(10))	
Helen McNurlen, Grinnell	06/03/2002 – 04/30/2003
BOARD OF PODIATRY EXAMINERS (147.14(1A))	
Patsy Hastings	06/03/2002 – 04/30/2005
PUBLIC EMPLOYMENT RELATIONS BOARD (Sec. 20.5)	
Neil Barrick, Johnston	01/31/2003 – 04/30/2004
STATE RACING AND GAMING COMMISSION (Sec. 99D.5)	
Kathryne Cutler, Honey Creek	06/04/2002 – 04/30/2005
Joyce Jarding, Farley	09/02/2002 – 04/30/2003
REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)	
Barbara Leestamper, Waterloo	08/01/2002 – 04/30/2003

REAL ESTATE COMMISSION (Sec. 543B.8) James O'Neill, Council Bluffs	10/30/2002 – 04/30/2005
STATE BOARD OF REGENTS (Sec. 262.1-2) Neala Arnold, Bettendorf	06/25/2002 – 04/30/2003
DIRECTOR OF REVENUE AND FINANCE (Sec. 421.2) Michael Ralston, Nevada	02/17/2003 – Pleasure of the Governor
STATE SOIL CONSERVATION COMMITTEE (Sec. 161A.4) Todd Scott, Iowa City	08/01/2002 – 04/30/2003
BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS (Sec. 147.14(9)) Jeannette Adamski, Mason City Becky Vilda, Iowa City	09/23/2002 – 04/30/2005 10/18/2002 – 04/30/2003
DIRECTOR OF THE OFFICE FOR STATE-FEDERAL RELATIONS (Sec. 7F.1) John Cacciatore, Des Moines	01/17/2003 – Pleasure of the Governor
STATE BOARD OF TAX REVIEW (Sec. 421.1) David Erickson, West Des Moines	11/01/2002 – 04/30/2005
COMMANDANT OF THE IOWA VETERANS HOME (Sec. 35D.13) Byron Coghlan, Marshalltown	12/09/2002 – Pleasure of the Governor
IOWA BOARD OF VETERINARY MEDICINE (Sec. 169.5) Anne Duffy, Cedar Rapids Ellen Kroc, Ames	05/22/2002 – 04/30/2003 11/15/2002 – 04/30/2005

The appointments were referred to the committee on **Rules and Administration**.

#### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

February 6, 2003

#### DEPARTMENT OF MANAGEMENT

Statement of Standing Appropriations, pursuant to Iowa Code section 8.6.

#### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jerry and Shirley Burke, Madrid — For celebrating your 50th wedding anniversary on February 8, 2003. Senator Quirnbach (2/6/03).

Bill and Carolyn Guigli, Madrid — For celebrating your 50th wedding anniversary on February 7, 2003. Senator Quirnbach (2/6/03).

Randall Dennis Kasparbauer, Manning — For achieving the rank of Eagle Scout. Senator Kettering (2/6/03).

Joe and Dora Romitti, Madrid — For celebrating your 50th wedding anniversary on February 8, 2003. Senator Quirnbach (2/6/03).

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

**Convened:** February 4, 2003, 3:10 p.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolcom and Veenstra.

**Members Absent:** None.

**Committee Business:** Overview of the Medicaid program by the Legislative Fiscal Bureau.

**Adjourned:** 4:50 p.m.

### GOVERNMENT OVERSIGHT

**Convened:** February 5, 2003, 3:05 p.m.

**Members Present:** Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

**Members Absent:** None.

**Committee Business:** Overview and discussion of the Program Elimination Commission bill and subcommittee work. Presentation by Treasurer's office regarding the Senior Living Trust.

**Adjourned:** 4:10 p.m.

### WAYS AND MEANS

**Convened:** February 5, 2003, 2:05 p.m.

**Members Present:** McKibben, Chair; Shull, Vice Chair; Bolcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, Miller, Quirnbach, Seng, Sievers, and Stewart.

**Members Absent:** Lamberti, Larson, McCoy, McKinley, and Rehberg (all excused).

**Committee Business:** Presentations by the Department of Revenue and Finance.

**Adjourned:** 2:30 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND  
REGULATION**

**Convened:** February 5, 2003, 3:55 p.m.

**Members Present:** Ziemann, Chair; Sievers, Vice Chair; Holveck, Ranking Member; Rehberg and Stewart.

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Personnel and the Iowa Lottery Board.

**Adjourned:** 4:20 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL  
RESOURCES**

**Convened:** February 5, 2003, 3:05 p.m.

**Members Present:** Gaskill, Chair; Black, Ranking Member; Seng and Seymour.

**Members Absent:** Houser, Vice Chair (excused).

**Committee Business:** Presentations by Ron Rowland, Department of Agriculture and Land Stewardship, on milk regulation and by Wayne Gieselman, Department of Natural Resources, on animal confinement operations.

**Adjourned:** 4:05 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 5, 2003, 3:05 p.m.

**Members Present:** Behn, Vice Chair; Dotzler, Ranking Member; Putney and Quirnbach.

**Members Absent:** McKinley, Chair (excused).

**Committee Business:** Presentation by the Department of Economic Development.

**Adjourned:** 4:00 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 5, 2003, 3:10 p.m.

**Members Present:** Schuerer, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Shull.

**Members Absent:** None.

**Committee Business:** Presentation regarding the condition of community colleges.

**Adjourned:** 4:50 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** February 5, 2003, 3:15 p.m.

**Members Present:** Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

**Members Absent:** None.

**Committee Business:** Presentation by Department of Human Services on the Medicaid program.

**Adjourned:** 5:00 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 5, 2003, 3:10 p.m.

**Members Present:** Miller, Chair; Angelo, Vice Chair; Fraise, Ranking Member; Hosch and Kreiman.

**Members Absent:** None.

**Committee Business:** Presentations by Iowa Law Enforcement Academy and Iowa Communications Network.

**Adjourned:** 4:40 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** February 5, 2003, 3:05 p.m.

**Members Present:** McKibben, Chair; Warnstadt, Ranking Member; Beall and Kettering.

**Members Absent:** Lamberti, Vice Chair (excused).

**Committee Business:** Presentation by Department of Agriculture and Land Stewardship regarding the Soil Conservation Division.

**Adjourned:** 4:20 p.m.

#### **AGRICULTURE**

**Convened:** February 6, 2003, 2:05 p.m.

**Members Present:** Behn, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Black, Gaskill, Houser, Johnson, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

**Members Absent:** Courtney (excused).

**Committee Business:** Presentation by Department of Agriculture regarding homeland security.

**Adjourned:** 2:30 p.m.

#### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** February 6, 2003, 2:35 p.m.

**Members Present:** Houser, Chair; Seng, Ranking Member; Black, Bolcom, Brunkhorst, Drake, Holveck, Kettering, Kibbie, and Zieman.

**Members Absent:** Johnson, Vice Chair; Dearden, Lundby, Miller, and Wieck (all excused).

**Committee Business:** Presentation regarding the Enviro-Kleen oil filter system.

**Adjourned:** 3:00 p.m.

#### INTRODUCTION OF BILLS

**Senate File 98**, by Dvorsky and Holveck, a bill for an act relating to manufactured and mobile homes by providing for tenants' rights and safety.

Read first time under Rule 28 and referred to committee on **Local Government**.

**Senate File 99**, by Veenstra, a bill for an act relating to insurance fraud, and providing civil remedies.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 100**, by Connolly, a bill for an act relating to advanced placement award programs and providing for the appropriation of moneys.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 101](#), by Tinsman, a bill for an act increasing the exemption for pension and retirement income, including social security benefits, for purposes of state individual income tax and providing an applicability date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 102](#), by committee on State Government, a bill for an act relating to the chief executive officer of the Iowa public employees' retirement system and providing an effective and retroactive applicability date.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 103](#), by Lundby, a bill for an act relating to the age of enrollment for kindergarten programs.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 104](#), by Kreiman and Angelo, a bill for an act relating to the establishment of multicounty jails, and making an appropriation.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 105](#), by Bolkcom, Dvorsky, Quirnbach, Hatch, Holveck, Lundby, Dotzler, Dearden, Black, Seng, McCoy, Horn, and Connolly, a bill for an act regarding discrimination based upon a person's sexual orientation under the Iowa civil rights Act.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 106](#), by Bolkcom, Dotzler, and Hatch, a bill for an act relating to collecting and disseminating information concerning motor vehicle stops.

Read first time under Rule 28 and referred to committee on **Transportation.**

#### STUDY BILLS RECEIVED

##### **SSB 1059 Government Oversight**

Relating to government efficiency by providing for the delivery of administrative services to state government, establishment of common states services regional boundaries, revising medical assistance program eligibility and benefits provisions, improving coordination of veterans benefits eligibility determinations, requiring a comprehensive study of the state mental health institutes, and revising requirements involving the judicial district departments of correctional services, and providing effective dates.

##### **SSB 1060 Education**

Relating to the use of physical plant and equipment levy revenue, and providing an effective date.

##### **SSB 1061 Commerce**

Increasing the surcharge for certain dishonored negotiable instruments.

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 71**

STATE GOVERNMENT: Tinsman, Chair; Courtney and Johnson

##### **Senate File 74**

STATE GOVERNMENT: Tinsman, Chair; Black and Sievers

##### **Senate File 79**

BUSINESS AND LABOR RELATIONS: Lundby, Chair; Dearden and Kettering

##### **Senate File 93**

WAYS AND MEANS: Larson, Chair; Connolly and McKibben

[Senate File 101](#)

WAYS AND MEANS: Rehberg, Chair; Seng and Shull

[SSB 1059](#)

GOVERNMENT OVERSIGHT: Lundby, Chair; Brunkhorst, Courtney, and Wieck

[SSB 1060](#)

EDUCATION: Beall, Chair; Behn and Boettger

[SSB 1061](#)

COMMERCE: Warnstadt, Chair; Kettering and Larson

**EXPLANATION OF VOTES**

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 6, 2003, when the vote was taken on [Senate File 36](#). Had I been present, I would have voted "Yea."

PAUL McKINLEY

ALSO:

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 6, 2003, when the vote was taken on [Senate File 36](#). Had I been present, I would have voted "Yea."

MAGGIE TINSMAN

**COMMITTEE REPORT**

**STATE GOVERNMENT**

**Final Bill Action:** \*[SENATE FILE 102 \(SSB 1011\)](#), a bill for an act relating to the chief executive officer of the Iowa public employees' retirement system and providing an effective and retroactive applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Shull, Tinsman, and Veenstra. Nays, 1: Schuerer. Absent, 1: Lamberti.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on [Senate File 102](#), and they were attached to the committee report.